

## DETAILED ACTION

### *Response to Amendment*

Claims 1-35 were originally pending. Examiner notes claims 1-16 and 31 were cancelled in the Amendment filed 11/21/2011. Claims 17-30 and 32-25 will be further examined on the merits.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raymond DiPerna on 02/03/2012.

The application has been amended as follows:

#### **Claim 21:**

~~A The device of claim 17, for measuring a property of living tissue, in particular a glucose level of the tissue, in particular of claim 1, said device comprising~~  
~~an electrode arrangement (5, 6) for application to the tissue,~~  
~~a signal source  $[(31)]$  for generating an AC voltage ( $V_{AC}$ ) in a given frequency range to be applied to said electrode arrangement (5, 6), and~~  
~~processing circuitry (37,38) for measuring a response of the electrode arrangement (5, 6) said response depending on dielectric properties of the tissue, and for converting said response to said property,~~

wherein said electrode arrangement comprises a strip electrode  $[(5)]$  for being placed against said body,

an outer electrode  $[(6)]$  for being placed against said body, wherein said outer electrode comprises two lateral sections  $(6a, 6b)$  extending substantially parallel to and on opposite sides of said strip electrode  $[(5)]$ , wherein a first  $[(6b)]$  of said sections is wider than a second  $[(6a)]$  of said sections.

**Claim 24:**

A The device of claim 17, for measuring a property of living tissue, in particular a glucose level of the tissue, in particular of claim 1, said device comprising

~~an electrode arrangement  $(5, 6)$  for application to the tissue,~~

~~a signal source  $[(31)]$  for generating an AC voltage  $(V_{VCO})$  in a given frequency range to be applied to said electrode arrangement  $(5, 6)$  and~~

~~processing circuitry  $(37, 38)$  for measuring a response of the electrode arrangement  $(5, 6)$ , said response depending on dielectric properties of the tissue, and for converting said response to said property,~~

wherein said electrode arrangement comprises

at least one electrode  $(5, 6)$  placed on an outer side of an electrically insulating substrate  $[(4)]$ ,

at least one through-contact  $(10, 11)$  extending through said substrate  $[(4)]$  and connecting said at least one electrode  $(5, 6)$ ,

wherein an outer side of each through-contact is covered by a physiologically inert material.

***Allowable Subject Matter***

Claims 17-30 and 32-35 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The present invention is directed to a device to measure a glucose level of tissue using processing circuitry to measure voltage at a series of frequencies to create a unique ratio, from a specified function, indicative of the glucose level.

Claims 17-30 and 32-35 uniquely identify that these frequencies are used to create a ratio of an input value dependent on a property of a tissue and an input value not dependent on a property.

The closest prior art of record, WO 02/069791, contains a device to measure the glucose level of tissue using a specific electrode arrangement, but does not fairly teach or suggest a device for measuring a property of living tissue wherein the processing circuitry has two inputs based on AC voltage, one dependent on a property of the tissue and the other not dependent to derive a ratio.

Thus, the prior art of record neither renders obvious nor anticipates the combination of claim elements in light of the specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIFFANY WESTON whose telephone number is (571)270-5177. The examiner can normally be reached on Monday thru Thursday, every other Friday, 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Miranda Le can be reached on (571) 272-4112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Miranda Le/  
Supervisory Patent Examiner, Art Unit 3735

/T. W./  
Examiner, Art Unit 3735